

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

STIPULATION

- v. -

18 Cr. 339 (PAC)

JAMAL SIMON,

Defendant.

- - - - -X

IT IS HEREBY STIPULATED AND AGREED by and between the United States of America, by Geoffrey S. Berman, United States Attorney for the Southern District of New York, Nicholas W. Chiuchiolo and Robert B. Sobelman, Assistant United States Attorneys, of counsel, and Jamal Simon, the defendant, by and through the consent of his attorney, Albert Dayan, Esq., that:

1. Jamal Simon was an organizer or leader of a criminal activity that involved five or more participants or was otherwise extensive, as defined in Section 3B1.1 of the United States Sentencing Guidelines;

2. If called to testify, Jamal Simon would testify that:

a. Jamal Simon was introduced to identity theft fraud by another apprehended co-conspirator who, along with some of the other co-conspirators and co-defendants, were already participating in identity theft fraud and were the

leaders and organizers of their own schemes and continued to be.

b. At times, Co-defendants Melvin Brown, Dwight Ford, David Boyd, Dwayne Norville, and Rashaun McKay were manufacturing credit cards on their own and using them to purchase merchandise before and after Simon began participating in the offense conduct.

c. Simon was not the only defendant to have hired co-defendant Darrel Davidson, a/k/a "Eddie Gray," to manufacture fraudulent credit cards and use such counterfeit cards for his own benefit. At various times, Melvin Brown, Dwight Ford, David Boyd, a/k/a "Fresh," Dwayne Norville, and Rashuan McKay, a/k/a "Buster," used Davidson to create fraudulent credit cards using stolen personally identifiable information without Jamal Simon's involvement or financial interest.

The Government does not have evidence to contradict the testimony of Jamal Simon set forth above;

4. If called to testify, a Special Agent with the Federal Bureau of Investigation would testify that:


a. Based on a review of the recordings of lawfully intercepted calls occurring over cellular telephones operated by Jamal Simon and Melvin Brown, a/k/a "Flint," the Government did not have, and does not have,

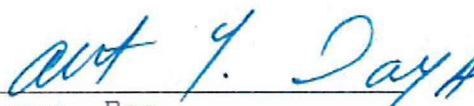
sufficient evidence to seek a role enhancement for any other defendant in this case.

Dated: New York, New York

January __, 2020

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